

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT M. THORPE,

Plaintiff,

v.

9:13-CV-0902
(GTS/ATB)

CAPTAIN EUGENE McKENNA;
LT. WILLIAM BREYEAR; and
SGT. ARON BASSETT,

Defendants.

APPEARANCES:

OF COUNSEL:

SCOTT M. THORPE, 11-A-1284
Plaintiff, *Pro Se*
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

LEMIRE JOHNSON, LLC
Counsel for Defendants
P.O. Box 2485
2534 Route 9
Malta, New York 12020

APRIL J. LAWS, ESQ.
GREGG T. JOHNSON, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Scott M. Thorpe (“Plaintiff”) against the three above-captioned correctional employees of Washington County Jail (“Defendants”), are Defendants’ motion for summary judgment and United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendants’ motion be granted and that Plaintiff’s Amended Complaint be dismissed. (Dkt. Nos. 25, 34.) Plaintiff has filed no Objection to the Report-Recommendation, and the deadline by which to do

so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.¹ Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, his Report-Recommendation is accepted and adopted in its entirety, Defendants' motion is granted, and Plaintiff's Amended Complaint is dismissed.

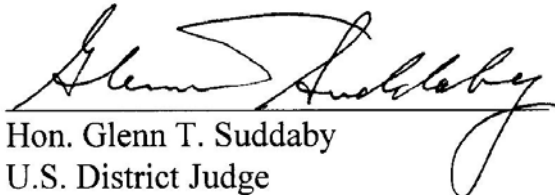
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 34) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' motion for summary judgment (Dkt. No. 25) is **GRANTED**; and it is further

ORDERED that Plaintiff's Amended Complaint (Dkt. No. 7) is **DISMISSED**.

Dated: July 23, 2015
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*: see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks and citations omitted).